

Notice of Allowability

Application No.

10/759,858

Applicant(s)

BLAUVELT ET AL.

Examiner

Michelle R. Connelly-Cushwa

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Request for Reconsideration filed September 6, 2005.
2. ☒ The allowed claim(s) is/are 21-24, 34-43, 64-67 and 77-119.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>0905</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>0505</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David S. Alavi on September 13, 2005.

The application has been amended as follows:

Claims 34 and 77 have been amended as follows.

Claim 34, lines 9-10, "in at least one dimension" has been changed to --in the horizontal dimension--.

Claim 77, lines 14-15, "in at least one dimension" has been changed to --in the horizontal dimension--.

Information Disclosure Statement

The prior art documents submitted by applicant in the Information Disclosure Statement filed on May 4, 2005 have all been considered and made of record (note the attached copy of form PTO-1449).

Response to Applicant's Request for Reconsideration

Applicant's request for reconsideration filed September 6, 2005 has been fully considered and entered.

Response to Arguments

Applicant's arguments, see pages 2-3, filed September 6, 2005, with respect to the rejection(s) of claim(s) 21-24, 34, 35, 37, 39, 64-67, 77, 78, 80, 82, 87, 88, 90-92, 94, 101, 102, 104-107, 109 and 110 under 35 U.S.C. 103(a) as being unpatentable over Hara et al. (JP 62-269907) in view of Blauvelt et al. (US 2004/0037342 A1) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Allowable Subject Matter

Claims 21-24, 34-43, 64-67 and 77-119 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art cited on the PTO-892 forms attached to the prior Office actions and on the Information Disclosure Statement filed by Applicant is the most relevant prior art known. However, the invention of claims 21-24, 34-43, 64-67 and 77-119 distinguishes over the prior art of record for the following reasons.

Regarding claims 21-24, 64-67, 87-90 and 101-105; the claims are allowable over the prior art of record because none of the references either alone or in combination disclose or render obvious an optical apparatus as defined in claim 21 or a method as defined in claim 64, comprising having/forming a reflective coating between the device substrate and at least a portion of the end-coupled waveguide in combination with the other limitations of claim 21 or claim 64. Claims 22-24 and 87-90 depend from claim 21. Claims 65-67 and 101-105 depend from claim 64.

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Regarding claims 34-39, 77-82, 91-94 and 106-110; the claims are allowable over the prior art of record because none of the references either alone or in combination disclose or render obvious an optical apparatus as defined in claim 34 a method as defined in claim 77, wherein at least a portion of the end face is curved in the horizontal dimension in combination with the other limitations of claim 34 or claim 77. Claims 35-39 and 91-94 depend from claim 34. Claims 78-82 and 106-110 depend from claim 77.

Regarding claims 40-43, 83-86, 95-100 and 111-119 the claims are allowable over the prior art of record for the reasons stated in the prior Office action.

Hence, there is no reason or motivation for one of ordinary skill in the art to use the prior art of record to make the invention of claims 21-24, 34-43, 64-67 and 77-119.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the merits of this communication should be directed to Examiner Michelle R. Connelly-Cushwa at telephone number (571) 272-2345. The examiner can normally be reached 9:00 AM to 7:00 PM, Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B. Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general or clerical nature should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562.


Michelle R. Connelly-Cushwa
Patent Examiner
September 14, 2005